



Space Activities Amendment (Launches and Returns) Act 2018

No. 92, 2018

**An Act to amend the *Space Activities Act 1998*, and
for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 92, 2018

An Act to amend the *Space Activities Act 1998*, and for related purposes

[Assented to 31 August 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Space Activities Amendment (Launches and Returns) Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	31 August 2019

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Space Activities Act 1998

1 Title

After “space activities”, insert “and high power rockets”.

2 Before section 1

Insert:

Division 1—Preliminary provisions

3 Section 1

Omit “*Space Activities Act 1998*”, substitute “*Space (Launches and Returns) Act 2018*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

4 Paragraph 3(b)

Repeal the paragraph, substitute:

- (aa) to establish a system for the regulation of the launch of high power rockets in Australia; and
- (b) to ensure that a reasonable balance is achieved between:
 - (i) the removal of barriers to participation in space activities and the encouragement of innovation and entrepreneurship in the space industry; and
 - (ii) the safety of space activities, and the risk of damage to persons or property as a result of space activities, regulated by this Act; and

5 Paragraph 3(c)

Omit “Treaties; and”, substitute “Treaties.”.

6 Paragraph 3(d)

Repeal the paragraph.

7 Section 4

Repeal the section, substitute:

4 Simplified outline of this Act

- Persons carrying on various space activities or launches of high power rockets in Australia must have the activities or launches approved.
- Australian nationals carrying on various space activities outside Australia must have the activities approved.
- There are provisions about liability for damage caused by space objects or high power rockets.
- There is a Register of Space Objects that is publicly available on the Department's website. The register includes details for certain space objects launched under an Australian launch permit, overseas payload permit or authorisation certificate.
- Investigators can investigate accidents or incidents involving:
 - (a) a space object launched from a launch facility in Australia or from an aircraft that is in the airspace over Australian territory; or
 - (b) a space object returned to a place or area in Australia; or
 - (c) a high power rocket launched from a facility or place in Australia.

8 After section 6

Insert:

6A Extraterritorial operation

- (1) This Act applies both within and outside Australia.
- (2) Section 14.1 of the *Criminal Code* does not apply to an offence against this Act.

9 Part 2 (heading)

Repeal the heading, substitute:

Division 2—Definitions**10 Section 8**

Insert:

aircraft means any machine or craft that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface.

11 Section 8 (definition of *approved scientific or educational organisation*)

Repeal the definition.

12 Section 8

Insert:

Astronauts and Objects Agreement means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, done at London, Moscow and Washington on 22 April 1968, as amended and in force for Australia from time to time.

Note: The Agreement is in Australian Treaty Series 1986 No. 8 ([1986] ATS 8) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Australian aircraft means an aircraft registered in Australia.

Australian high power rocket permit means a permit granted under section 38.

Australian launch permit means a permit granted under section 28.

13 Section 8 (after paragraph (a) of the definition of *Australian national*)

Insert:

(aa) an Australian resident; or

14 Section 8

Insert:

Australian resident means an individual who resides in Australia and is the holder (within the meaning of the *Migration Act 1958*) of a permanent visa (within the meaning of that Act).

Australian territory means the following:

- (a) the territory of Australia and of each external Territory;
- (b) the territorial sea of Australia;
- (c) the waters of the sea on the landward side of the territorial sea of Australia, but not within the limits of a State or internal Territory;
- (d) the territorial sea of each external Territory;
- (e) the waters of the sea on the landward side of the territorial sea of each external Territory, but not within the limits of the external Territory.

authorisation certificate means a certificate issued under section 46U.

Chicago Convention means:

- (a) the Convention on International Civil Aviation done at Chicago on 7 December 1944, whose English text is set out in Schedule 1 to the *Air Navigation Act 1920*; and
- (b) the Protocols amending that Convention that are referred to in subsection 3A(2) of that Act, whose English texts are set out in Schedules to that Act; and
- (c) the Annexes to that Convention that relate to international standards and recommended practices and that are adopted in accordance with that Convention.

15 Section 8 (definition of *civil penalty provision*)

Repeal the definition, substitute:

civil penalty provision has the same meaning as in the Regulatory Powers Act.

16 Section 8 (definition of *damage*)

Repeal the definition, substitute:

damage:

- (a) in relation to a space object—has the same meaning as in the Liability Convention; and
- (b) in relation to a high power rocket—means loss of life, personal injury or other impairment of health or loss of or damage to property of persons.

17 Section 8 (definition of exemption certificate)

Repeal the definition.

18 Section 8

Insert:

Federal Circuit Court means the Federal Circuit Court of Australia.

Federal Court means the Federal Court of Australia.

foreign aircraft means an aircraft that is not an Australian aircraft.

19 Section 8 (definition of gross negligence)

Omit “regulations” (wherever occurring), substitute “rules”.

20 Section 8

Insert:

high power rocket means an object of a kind prescribed by the rules for the purposes of this definition.

21 Section 8 (definition of insured amount)

Omit “a launch permit, overseas launch certificate or section 43 authorisation”, substitute “an Australian launch permit, Australian high power rocket permit, overseas payload permit or return authorisation”.

22 Section 8 (definition of insured amount)

Omit “, certificate” (wherever occurring).

23 Section 8 (definition of intergovernmental agreement with Russia)

Repeal the definition.

24 Section 8 (definition of *launch*)

Repeal the definition, substitute:

launch:

- (a) a space object, means launch the whole or a part of the object into an area beyond the distance of 100 km above mean sea level, or attempt to do so; or
- (b) a high power rocket, means launch the rocket into an area that is not beyond the distance of 100 km above mean sea level, or attempt to do so.

25 Section 8

Insert:

launch facility licence means a licence granted under section 18.

launch party, for the launch of a high power rocket, means:

- (a) in the case of a launch authorised by an Australian high power rocket permit—the holder of the permit; or
- (b) in the case of a launch that:
 - (i) is not authorised as mentioned in paragraph (a); but
 - (ii) is covered by an authorisation certificate; the holder of the authorisation certificate; or
- (c) in any other case—each of the following persons:
 - (i) the person or persons who carried out the launch of the high power rocket;
 - (ii) any other person specified in the rules made for the purposes of this definition.

26 Section 8 (definition of *launch permit*)

Repeal the definition.

27 Section 8 (definition of *Launch Safety Officer*)

Repeal the definition, substitute:

Launch Safety Officer means:

- (a) for a launch of a space object covered by an Australian launch permit—the person appointed under section 50 for the launch; or

- (b) for a return to a place or area in Australia of a space object covered by an Australian launch permit or a return authorisation—the person appointed under section 50 for the return.

28 Section 8 (definition of *launch vehicle*)

Repeal the definition.

29 Section 8 (definition of *Liability Convention*)

Repeal the definition, substitute:

Liability Convention means the Convention on International Liability for Damage Caused by Space Objects, done at London, Moscow and Washington on 29 March 1972, as amended and in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1975 No. 5 ([1975] ATS 5) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

30 Section 8 (paragraphs (a) and (b) of the definition of *liability period*)

Omit “regulations”, substitute “rules”.

31 Section 8 (at the end of the definition of *liability period*)

Add:

- ; and (c) for the launch of a high power rocket—the period of 30 days beginning when the launch takes place, or such other period as is specified in the rules.

32 Section 8 (definition of *licensed launch facility*)

Omit “space licence: see section 18”, substitute “launch facility licence”.

33 Section 8

Insert:

Moon and other Celestial Bodies Agreement means the Agreement Governing the Activities of States on the Moon and other Celestial Bodies, done at New York on 18 December 1979, as amended and in force for Australia from time to time.

Note: The Agreement is in Australian Treaty Series 1986 No. 14 ([1986] ATS 14) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Outer Space Treaty means the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, done at London, Moscow and Washington on 27 January 1967, as amended and in force for Australia from time to time.

Note: The Treaty is in Australian Treaty Series 1967 No. 24 ([1967] ATS 24) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

34 Section 8 (definition of *overseas launch certificate*)

Repeal the definition.

35 Section 8

Insert:

overseas payload permit means a permit granted under section 46B.

36 Section 8 (definition of *payload*)

Repeal the definition.

37 Section 8 (definition of *Registration Convention*)

Repeal the definition, substitute:

Registration Convention means the Convention on Registration of Objects Launched into Outer Space, done at New York on 14 January 1975, as amended and in force for Australia from time to time.

Note: The Convention is in Australian Treaty Series 1986 No. 5 ([1986] ATS 5) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

38 Section 8

Insert:

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

39 Section 8 (paragraph (a) of the definition of *responsible party*)

Omit “a launch permit”, substitute “an Australian launch permit”.

40 Section 8 (paragraph (b) of the definition of *responsible party*)

Omit “a permission under subsection 43(1)—the holder of the permission”, substitute “a return authorisation—the holder of the authorisation”.

41 Section 8 (paragraph (c) of the definition of *responsible party*)

Repeal the paragraph.

42 Section 8 (subparagraph (d)(i) of the definition of *responsible party*)

Omit “, (b) or (c)”, substitute “or (b)”.

43 Section 8 (subparagraph (d)(ii) of the definition of *responsible party*)

Omit “exemption certificate (see section 46)”, substitute “authorisation certificate”.

44 Section 8 (paragraph (d) of the definition of *responsible party*)

Omit “the exemption certificate”, substitute “the authorisation certificate”.

45 Section 8 (paragraph (e) of the definition of *responsible party*)

Omit “overseas launch certificate—the holder of the certificate”, substitute “overseas payload permit—the holder of the permit”.

46 Section 8 (subparagraph (f)(iii) of the definition of *responsible party*)

Omit “regulations”, substitute “the rules”.

47 Section 8 (definition of *responsible party*)

Omit “But, in relation to a launch to which paragraph (f) applies, if the space object was launched from a launch facility outside Australia,”, substitute “But, in relation to a launch or return to which paragraph (f) applies, if the space object was launched from a facility (whether fixed or mobile), or place, outside Australia, or if the space object was returned to a place or area outside Australia,”.

48 Section 8

Insert:

return authorisation means an authorisation given under section 46L.

rules means the rules made by the Minister under section 110.

49 Section 8 (definition of *space licence*)

Repeal the definition.

50 Subsection 8(1) (definition of *space object*)

Repeal the definition, substitute:

space object means:

- (a) an object the whole or a part of which is to go into or come back from an area beyond the distance of 100 km above mean sea level; or
- (b) any part of such an object, even if the part is to go only some of the way towards or back from an area beyond the distance of 100 km above mean sea level.

51 Section 8 (definition of *standard launch permit condition*)

Repeal the definition.

52 Section 8 (definition of *third party*)

Repeal the definition, substitute:

third party:

- (a) for the launch or return of a space object—means a person who is not a responsible party for the launch or return and

who is not a related party (see section 9) of any responsible party for the launch or return; and

- (b) for the launch of a high power rocket—means a person who is not a launch party for the launch and who is not a related party (see section 9) of any launch party for the launch.

53 Section 8 (paragraphs (c), (d) and (e) of the definition of *UN space treaties*)

Repeal the paragraphs, substitute:

- (c) the Outer Space Treaty;
(d) the Moon and other Celestial Bodies Agreement;
(e) the Astronauts and Objects Agreement.

54 Sections 8A to 8C

Repeal the sections.

55 After subsection 9(1)

Insert:

- (1A) A person (the *first person*) is a *related party* of a launch party for the launch of a high power rocket if:
- (a) the first person has a financial or ownership interest in all or part of the high power rocket; or
- (b) the first person was involved in preparing all or part of the high power rocket for the launch; or
- (c) the first person is a contractor, subcontractor or supplier involved in the launch or the preparation of all or part of the high power rocket for the launch; or
- (d) the first person is a director, officer, employee or agent of the launch party.

56 Subsection 9(2)

Omit “regulations”, substitute “rules”.

57 At the end of subsection 9(2)

Add “or a launch party”.

58 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Regulation of space activities and high power rockets

59 Section 10

Repeal the section, substitute:

Division 1A—Simplified outline of this Part

10 Simplified outline of this Part

- The operation of a launch facility in Australia requires a launch facility licence.
- A launch of a space object from a launch facility in Australia, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory requires an Australian launch permit or an authorisation certificate.
- A launch of a high power rocket from a facility or place in Australia requires an Australian high power rocket permit or an authorisation certificate.
- A launch of a space object from a facility or place outside Australia by an Australian national requires an overseas payload permit or an authorisation certificate.
- A return of a space object to a place or area in Australia requires an Australian launch permit, a return authorisation or an authorisation certificate.
- A return of a space object to a place or area outside Australia by an Australian national requires a return authorisation or an authorisation certificate.
- The Minister may take into account the security, defence or international relations of Australia in deciding whether to grant a licence, permit or authorisation under this Part.

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- | |
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| <ul style="list-style-type: none">• The Minister is to appoint a Launch Safety Officer for certain space activities. |
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60 Division 1 of Part 3 (heading)

Repeal the heading, substitute:

Division 1—Offences and civil penalties**61 Sections 11 to 15**

Repeal the sections, substitute:

11 Launch facility licence required to operate a launch facility in Australia

A person must not operate a launch facility in Australia, or do anything directly connected with operating a launch facility in Australia, unless:

- (a) the person holds a launch facility licence for the launch facility; or
- (b) the person is a related party, for any launches conducted from the facility, of a person who holds such a licence; or
- (c) the person is acting as an employee, contractor or agent of a person who holds such a licence; or
- (d) an authorisation certificate covering the operation of the facility, or the things connected with the operation, is held by any person.

Civil penalty: 1,000 penalty units.

12 Launch of space object from Australian launch facility, Australian aircraft or foreign aircraft in airspace over Australian territory

A person commits an offence if:

- (a) the person:
 - (i) launches a space object from a launch facility in Australia; or
 - (ii) launches a space object from an Australian aircraft that is in flight; or

- (iii) launches a space object from a foreign aircraft that is in the airspace over Australian territory; and
- (b) the launch is not authorised by an Australian launch permit held by any person; and
- (c) no authorisation certificate covering the launch is held by any person.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

13 Launch of high power rocket from Australia

A person commits an offence if:

- (a) the person launches a high power rocket from a facility (whether fixed or mobile), or place, in Australia; and
- (b) the launch is not authorised by an Australian high power rocket permit held by any person; and
- (c) no authorisation certificate covering the launch is held by any person.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

14 Launch of space object from outside Australia

A person commits an offence if:

- (a) a space object is launched from a facility (whether fixed or mobile), or place, outside Australia; and
- (b) the person is a responsible party for the launch; and
- (c) the launch is not authorised by an overseas payload permit held by any person; and
- (d) no authorisation certificate covering the launch is held by any person.

Note: In this context, the effect of the definition of *responsible party* in section 8 is that the person is a responsible party only if the person is also an Australian national.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

15 Return of space object to Australia

A person commits an offence if:

- (a) the person returns a space object to a place or area in Australia; and
- (b) the return of the object to that place or area is not authorised by an Australian launch permit held by any person; and
- (c) the return of the object to that place or area is not authorised by a return authorisation held by any person; and
- (d) no authorisation certificate covering the return is held by any person.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

15A Return of space object outside Australia

A person commits an offence if:

- (a) a space object is returned to a place or area outside Australia; and
- (b) the person is a responsible party for the return; and
- (c) the return of the object to that place or area is not authorised by a return authorisation held by any person; and
- (d) no authorisation certificate covering the return is held by any person.

Note: In this context, the effect of the definition of *responsible party* in section 8 is that the person is a responsible party only if the person is also an Australian national.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
 - (b) for a body corporate—100,000 penalty units.
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62 Section 16 (example)

Omit “space licence or launch permit”, substitute “launch facility licence or Australian launch permit”.

63 Divisions 2 to 6 of Part 3

Repeal the Divisions, substitute:

Division 2—Launch facility licences

18 Granting a launch facility licence

The Minister may grant to a person a launch facility licence covering a particular launch facility in Australia if:

- (a) the Minister is satisfied that the person is competent to operate the launch facility; and
- (b) the Minister is satisfied that all necessary environmental approvals under Australian law have been obtained, and that an adequate environmental plan has been made, for the construction and operation of the launch facility; and
- (c) the Minister is satisfied that the person has sufficient funding to construct and operate the launch facility; and
- (d) the Minister is satisfied that the probability of the construction and operation of the launch facility causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable; and
- (e) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the launch facility licence should not be granted; and
- (f) the criteria (if any) prescribed by the rules are satisfied in relation to the launch facility.

19 Terms of launch facility licence

A launch facility licence:

- (a) must specify the day on which it comes into force; and
- (b) remains in force for the period specified in the licence, which must be no longer than 20 years; and

- (c) is granted subject to the conditions in section 20 and any other conditions specified in the licence.

20 Standard launch facility licence conditions

The following are conditions of each launch facility licence granted to a person, except to the extent that the licence otherwise specifies:

- (a) the holder of the licence must give the Minister any information that the Minister asks for under section 60 about the licence;
- (b) any other condition prescribed by the rules for the purposes of this paragraph.

21 Breaching a launch facility licence condition

The holder of a launch facility licence must not contravene a condition of the licence.

Civil penalty: 1,000 penalty units.

22 Transfer of launch facility licence

- (1) The Minister may, by written notice, transfer a launch facility licence to another person if the Minister could grant the licence to the other person under section 18.

Note: See section 25 for the procedure for transferring a launch facility licence.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The Minister must give a copy of the notice to:
 - (a) the holder of the licence immediately before the transfer; and
 - (b) the other person.
- (4) The licence continues to cover the same launch facility.
- (5) The licence is subject to the same conditions as those in force immediately before the transfer (unless the Minister varies the conditions).
- (6) The period for which the licence remains in force continues to run despite the transfer.

23 Varying or revoking a launch facility licence

- (1) The Minister may, in writing, vary or revoke a launch facility licence held by a person.

Note: See section 25 for the procedure for varying or revoking a launch facility licence.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

24 Applying for the grant, variation or transfer of a launch facility licence

- (1) An application for the grant, variation or transfer of a launch facility licence must be made in accordance with the rules.
- (2) Without limiting subsection (1), the rules may provide for the lodging of documents at times worked out in accordance with the rules.

25 Procedure etc.

- (1) If the Minister considers that there may be grounds to vary, revoke or transfer a launch facility licence (other than at the licensee's request), the Minister must:
 - (a) give the licensee written notice of the Minister's opinion specifying the reasons for that opinion; and
 - (b) invite the licensee to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary, revoke or transfer a launch facility licence, the Minister must consider the matters raised in any submission received within the period specified in the notice.
- (3) The Minister must not vary a launch facility licence in a way that changes the location of the licensed launch facility.
- (4) The rules may prescribe other ways in which the Minister must not vary a launch facility licence.

26 Suspending a launch facility licence

- (1) The Minister may, in writing, suspend a launch facility licence if:
 - (a) the holder of the licence contravenes a condition of the licence; or
 - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the licence should be suspended.
- (2) The Minister must give notice of the suspension to the holder of the licence. The notice must specify the day the suspension takes effect.
- (3) A launch facility licence has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the licence. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke a launch facility licence even while it is suspended.

27 Basis on which launch facility licence is granted

A launch facility licence is granted on the basis that:

- (a) the licence may be transferred under section 22; and
- (b) the licence may be revoked under section 23; and
- (c) the licence may be varied under section 23; and
- (d) the licence may be suspended under section 26; and
- (e) the licence may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the licence is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

Division 3—Australian launch permits

28 Granting an Australian launch permit

- (1) The Minister may grant to a person an Australian launch permit authorising:
- (a) the launch of one or more space objects; or
 - (b) a particular series of launches of space objects that, in the Minister's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorised by a single Australian launch permit;
- from a specified launch facility in Australia, a specified Australian aircraft that is in flight or a specified foreign aircraft that is in the airspace over Australian territory.
- (2) The Australian launch permit may also authorise one or more space objects to be returned, in connection with the launch or launches, to a specified place or area in Australia.

Note: A returning space object need not be the same as the space object launched. For example, a launch vehicle could carry a payload into an area beyond the distance of 100 km above mean sea level and return without it, or even collect a different payload from an area beyond the distance of 100 km above mean sea level and return that to Earth.

- (3) The Minister may grant the Australian launch permit to the person only if all of the following criteria are met:
- (a) the Minister is satisfied that the person who is to carry out the launch or launches, and any connected return, is competent to do so;
 - (b) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for the launch or launches, and any connected return;
 - (c) the Minister is satisfied that the probability of the launch or launches, or any connected return, causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable;
 - (d) the space object or objects concerned are not and do not contain a nuclear weapon or a weapon of mass destruction of any other kind;

-
- (e) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the permit should not be granted;
 - (f) any other criteria prescribed by the rules for the purposes of this paragraph.
- (4) If a foreign country is also a launching State for the space object or any of the space objects, the Minister may, in deciding whether to grant the Australian launch permit, have regard to:
- (a) whether there is an agreement between Australia and that foreign country under which that foreign country assumes any liability, and indemnifies Australia, for any damage that the space object or objects may cause; and
 - (b) the terms of that agreement.
- (5) Subsections (3) and (4) do not limit the matters to which the Minister may have regard.

29 Terms of Australian launch permit

- (1) An Australian launch permit authorising the launch of a space object or objects, and any connected return:
 - (a) must specify the day on which the permit comes into force and the period for which it remains in force; and
 - (b) is granted subject to the conditions in section 30 and any other conditions specified in the permit.
- (2) An Australian launch permit may specify that the period for which it remains in force ends on the occurrence of a particular event (rather than at a specified time). For this purpose, the rules may set out how to determine when events of a particular kind occur.

Example: An Australian launch permit might specify that it expires when the relevant launch has been (successfully or unsuccessfully) completed. The rules could set out how to determine when this is.
- (3) At any time when an Australian launch permit is in force, the Minister may, by written notice given to the holder of the permit, extend or further extend the period for which the permit remains in force.

30 Standard Australian launch permit conditions

The following are conditions of each Australian launch permit, except to the extent that the permit otherwise specifies:

- (a) the launch or launches, and any connected return, must not be conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property;
- (b) the space object or objects must not be or contain a nuclear weapon or a weapon of mass destruction of any other kind;
- (c) the space object or objects must not contain a nuclear power source unless the Minister's written approval has first been obtained;
- (d) the holder of the permit must satisfy the insurance/financial requirements in Division 7 for each launch, and each return, conducted under the permit;
- (e) any other conditions prescribed by the rules for the purposes of this paragraph.

31 Breaching an Australian launch permit condition

Offence

- (1) A person commits an offence if:
 - (a) the person is the holder of an Australian launch permit; and
 - (b) the person does an act or omits to do an act; and
 - (c) the act or omission contravenes a condition of the permit; and
 - (d) the condition is a condition to which the permit is subject under paragraph 30(a), (b), (c) or (d).

Penalty:

- (a) for an individual—imprisonment for 10 year or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

Civil penalty

- (2) The holder of an Australian launch permit must not contravene a condition of the permit.

Civil penalty: 1,000 penalty units.

32 Transfer of Australian launch permit

- (1) The Minister may, by written notice, transfer an Australian launch permit to another person if the Minister could grant the permit to the other person under section 28.

Note: See section 35 for the procedure for transferring an Australian launch permit.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The Minister must give a copy of the notice to:
 - (a) the holder of the permit immediately before the transfer; and
 - (b) the other person.
- (4) The permit continues to cover the same launch facility, Australian aircraft or foreign aircraft and the same space object or objects.
- (5) The permit is subject to the same conditions as those in force immediately before the transfer (unless the Minister varies the conditions).
- (6) The period for which the permit remains in force continues to run despite the transfer.

33 Varying or revoking an Australian launch permit

- (1) The Minister may, in writing, vary or revoke an Australian launch permit held by a person.

Note: See section 35 for the procedure for varying or revoking an Australian launch permit.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

34 Applying for the grant, variation or transfer of an Australian launch permit

- (1) An application for the grant, variation or transfer of an Australian launch permit must be made in accordance with the rules.

Debris mitigation strategy

- (2) Without limiting subsection (1), an application for the grant of an Australian launch permit must include a strategy for debris mitigation.
- (3) The strategy must address the matters prescribed by the rules for the purposes of this subsection.
- (4) Subsection (3) does not limit the matters that may be included in the strategy.

35 Procedure etc.

- (1) If the Minister considers that there may be grounds to vary, revoke or transfer an Australian launch permit (other than at the permit holder's request), the Minister must:
 - (a) give the holder of the permit written notice of the Minister's opinion specifying the reasons for that opinion; and
 - (b) invite the holder to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary, revoke or transfer the permit, the Minister must consider the matters raised in any submission received within the period specified in the notice.
- (3) If the permit relates to a launch facility in Australia, the Minister must not vary the permit in a way that changes the location of the launch facility.
- (4) The rules may prescribe other ways in which the Minister must not vary an Australian launch permit.

36 Suspending an Australian launch permit

- (1) The Minister may, in writing, suspend an Australian launch permit if:
 - (a) the holder of the permit contravenes a condition of the permit; or
 - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended; or
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- (c) an incident involving a space object covered by the permit occurs during the liability period for the launch or return of the object.
 - (2) The Minister must give notice of the suspension to the holder of the permit. The notice must specify the day the suspension takes effect.
 - (3) An Australian launch permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
 - (4) The Minister may, in writing, revoke a suspension under subsection (1).
 - (5) The Minister must give notice of the revocation to the holder of the permit. The notice must specify the day the revocation takes effect.
 - (6) The Minister may vary or revoke an Australian launch permit even while it is suspended.

37 Basis on which Australian launch permit is granted

An Australian launch permit is granted on the basis that:

- (a) the permit may be transferred under section 32; and
- (b) the permit may be revoked under section 33; and
- (c) the permit may be varied under section 33; and
- (d) the permit may be suspended under section 36; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the permit is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

Division 4—Australian high power rocket permits

38 Granting an Australian high power rocket permit

- (1) The Minister may grant to a person an Australian high power rocket permit authorising the launch of a high power rocket from a specified facility (whether fixed or mobile), or specified place, in Australia.

- (2) The Minister may grant the Australian high power rocket permit to the person only if all of the following criteria are met:
- (a) the Minister is satisfied that the person who is to carry out the launch is competent to do so;
 - (b) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for the launch;
 - (c) the Minister is satisfied that the probability of the launch causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable;
 - (d) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the permit should not be granted;
 - (e) any other criteria prescribed by the rules for the purposes of this paragraph.

39 Terms of Australian high power rocket permit

- (1) An Australian high power rocket permit authorising the launch of a high power rocket:
- (a) must specify the day on which the permit comes into force and the period for which it remains in force; and
 - (b) is granted subject to the conditions in section 40 and any other conditions specified in the permit.
- (2) An Australian high power rocket permit may specify that the period for which it remains in force ends on the occurrence of a particular event (rather than at a specified time). For this purpose, the rules may set out how to determine when events of a particular kind occur.
- Example: An Australian high power rocket permit might specify that it expires when the relevant launch has been (successfully or unsuccessfully) completed. The rules could set out how to determine when this is.
- (3) At any time when an Australian high power rocket permit is in force, the Minister may, by written notice given to the holder of the permit, extend or further extend the period for which the permit remains in force.

40 Standard Australian high power rocket permit conditions

The following are conditions of each Australian high power rocket permit, except to the extent that the permit otherwise specifies:

- (a) the launch must not be conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property;
- (b) the holder of the permit must satisfy the insurance/financial requirements in Division 7 for the launch conducted under the permit;
- (c) any other conditions prescribed by the rules for the purposes of this paragraph.

41 Breaching an Australian high power rocket permit condition

Offence

- (1) A person commits an offence if:
 - (a) the person is the holder of an Australian high power rocket permit; and
 - (b) the person does an act or omits to do an act; and
 - (c) the act or omission contravenes a condition of the permit; and
 - (d) the condition is a condition to which the permit is subject under paragraph 40(a) or (b).

Penalty:

- (a) for an individual—imprisonment for 10 year or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

Civil penalty

- (2) The holder of an Australian high power rocket permit must not contravene a condition of the permit.

Civil penalty: 1,000 penalty units.

42 Transfer of Australian high power rocket permit

- (1) The Minister may, by written notice, transfer an Australian high power rocket permit to another person if the Minister could grant the permit to the other person under section 38.

Note: See section 45 for the procedure for transferring an Australian high power rocket permit.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The Minister must give a copy of the notice to:
 - (a) the holder of the permit immediately before the transfer; and
 - (b) the other person.
- (4) The permit continues to cover the same facility or place and the same high power rocket.
- (5) The permit is subject to the same conditions as those in force immediately before the transfer (unless the Minister varies the conditions).
- (6) The period for which the permit remains in force continues to run despite the transfer.

43 Varying or revoking an Australian high power rocket permit

- (1) The Minister may, in writing, vary or revoke an Australian high power rocket permit held by a person.

Note: See section 45 for the procedure for varying or revoking an Australian high power rocket permit.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

44 Applying for the grant, variation or transfer of an Australian high power rocket permit

An application for the grant, variation or transfer of an Australian high power rocket permit must be made in accordance with the rules.

45 Procedure etc.

- (1) If the Minister considers that there may be grounds to vary, revoke or transfer an Australian high power rocket permit (other than at the permit holder's request), the Minister must:
 - (a) give the holder of the permit written notice of the Minister's opinion specifying the reasons for that opinion; and
 - (b) invite the holder to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary, revoke or transfer the permit, the Minister must consider the matters raised in any submission received within the period specified in the notice.
- (3) The rules may prescribe the ways in which the Minister must not vary an Australian high power rocket permit.

46 Suspending an Australian high power rocket permit

- (1) The Minister may, in writing, suspend an Australian high power rocket permit if:
 - (a) the holder of the permit contravenes a condition of the permit; or
 - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended; or
 - (c) an incident involving the high power rocket covered by the permit occurs during the liability period for the launch of the rocket.
- (2) The Minister must give notice of the suspension to the holder of the permit. The notice must specify the day the suspension takes effect.
- (3) An Australian high power rocket permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).

- (5) The Minister must give notice of the revocation to the holder of the permit. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke an Australian high power rocket permit even while it is suspended.

46A Basis on which Australian high power rocket permit is granted

An Australian high power rocket permit is granted on the basis that:

- (a) the permit may be transferred under section 42; and
- (b) the permit may be revoked under section 43; and
- (c) the permit may be varied under section 43; and
- (d) the permit may be suspended under section 46; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the permit is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

Division 5—Overseas payload permits

46B Granting an overseas payload permit

- (1) The Minister may grant to a person an overseas payload permit authorising:
 - (a) the launch of one or more space objects; or
 - (b) a particular series of launches of space objects that, in the Minister's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorised by a single overseas payload permit;from a specified facility (whether fixed or mobile), or specified place, outside Australia using a specified launch vehicle.

Note: Overseas payload permits are required only if an Australian national would be a responsible party for the launch—see section 14.
- (2) The Minister may grant the overseas payload permit to the person only if all of the following criteria are met:
 - (a) either:

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- (i) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for each launch to be conducted under the permit; or
 - (ii) the Minister notifies the person, in writing, that, having regard to the nature and purpose of the space object or space objects concerned, those requirements are not required to be satisfied;
 - (b) the Minister is satisfied that the probability of the launch or launches causing substantial harm to public health or public safety or causing substantial damage to property is sufficiently low;
 - (c) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the permit should not be granted;
 - (d) any other criteria prescribed by the rules for the purposes of this paragraph.
- (3) The Minister may, in deciding whether to grant the overseas payload permit, have regard to:
- (a) whether there is an agreement or arrangement between Australia and the other launching State, or any of the other launching States, under which that State or those States assume liability, and indemnify Australia, for any damage that the space object or objects may cause; and
 - (b) the terms of that agreement or arrangement.
- (4) Subsections (2) and (3) do not limit the matters to which the Minister may have regard.

46C Terms of overseas payload permit

- (1) An overseas payload permit authorising the launch of a space object or objects:
 - (a) must specify the day on which it comes into force and the period for which it remains in force; and
 - (b) is granted subject to any conditions specified in the permit.
- (2) An overseas payload permit may specify that the period for which it remains in force ends on the occurrence of a particular event (rather than at a specified time). For this purpose, the rules may set out how to determine when events of a particular kind occur.

Example: An overseas payload permit might specify that its period expires when the relevant launch has been (successfully or unsuccessfully) completed. The rules could set out how to determine when this is.

- (3) At any time when an overseas payload permit is in force, the Minister may, by written notice given to the holder of the permit, extend or further extend the period for which the permit remains in force.

46D Breaching an overseas payload permit condition

The holder of an overseas payload permit must not contravene a condition of the permit.

Civil penalty: 1,000 penalty units.

46E Transfer of overseas payload permit

- (1) The Minister may, by written notice, transfer an overseas payload permit to another person if the Minister could grant the permit to the other person under section 46B.

Note: See section 46H for the procedure for transferring an overseas payload permit.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The Minister must give a copy of the notice to:
 - (a) the holder of the permit immediately before the transfer; and
 - (b) the other person.
- (4) The permit continues to cover the same facility or place, the same launch vehicle and the same space object or objects.
- (5) The permit is subject to the same conditions as those in force immediately before the transfer (unless the Minister varies the conditions).
- (6) The period for which the permit remains in force continues to run despite the transfer.

46F Varying or revoking an overseas payload permit

- (1) The Minister may, in writing, vary or revoke an overseas payload permit held by a person.
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Note: See section 46H for the procedure for varying or revoking an overseas payload permit.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

46G Applying for the grant, variation or transfer of an overseas payload permit

- (1) An application for the grant, variation or transfer of an overseas payload permit must be made in accordance with the rules.

Debris mitigation strategy

- (2) Without limiting subsection (1), an application for the grant of an overseas payload permit must include a strategy for debris mitigation.
- (3) The strategy must address the matters prescribed by the rules for the purposes of this subsection.
- (4) Subsection (3) does not limit the matters that may be included in the strategy.

46H Procedure etc.

- (1) If the Minister considers that there may be grounds to vary, revoke or transfer an overseas payload permit (other than at the permit holder's request), the Minister must:
 - (a) give the holder of the permit written notice of the Minister's opinion specifying the reasons for that opinion; and
 - (b) invite the holder to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary, revoke or transfer the permit, the Minister must consider the matters raised in any submission received within the period specified in the notice.
- (3) The rules may prescribe the ways in which the Minister must not vary an overseas payload permit.

46J Suspending an overseas payload permit

- (1) The Minister may, in writing, suspend an overseas payload permit if:
 - (a) the holder of the permit contravenes a condition of the permit; or
 - (b) if subparagraph 46B(2)(a)(i) applied—the Minister is satisfied that the insurance/financial requirements in Division 7 are not satisfied for a launch to be conducted under the permit; or
 - (c) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended.
- (2) The Minister must give notice of the suspension to the holder of the permit. The notice must specify the day the suspension takes effect.
- (3) An overseas payload permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the permit. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke an overseas payload permit even while it is suspended.

46K Basis on which overseas payload permit is granted

An overseas payload permit is granted on the basis that:

- (a) the permit may be transferred under section 46E; and
- (b) the permit may be revoked under section 46F; and
- (c) the permit may be varied under section 46F; and
- (d) the permit may be suspended under section 46J; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and

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- (f) no compensation is payable if the permit is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

Division 6—Return authorisations

46L Giving a return authorisation

- (1) The Minister may give a person a return authorisation that authorises:
 - (a) the return of a space object to a specified place or area in Australia or outside Australia; or
 - (b) a particular series of such returns that, in the Minister's opinion, having regard to the nature of the space objects to be returned, may appropriately be authorised by a single return authorisation.
 - (2) The return or returns may be authorised under this section only if all of the following criteria are met:
 - (a) the Minister is satisfied that the person who is to carry out the return or returns is competent to do so;
 - (b) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for the return or returns;
 - (c) the Minister is satisfied that the probability of the return or returns causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable;
 - (d) the space object or objects concerned are not and do not contain a nuclear weapon or a weapon of mass destruction of any other kind;
 - (e) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the authorisation should not be given;
 - (f) any other criteria prescribed by the rules for the purposes of this paragraph.
 - (3) The Minister may, in deciding whether to give a return authorisation, have regard to:
 - (a) whether there is an agreement or arrangement between Australia and any country that is a launching State for any
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space object concerned under which that country assumes any liability, and indemnifies Australia, for any damage that the space object may cause; and

- (b) the terms of that agreement or arrangement.
- (4) Subsections (2) and (3) do not limit the matters to which the Minister may have regard.
- (5) A return authorisation is subject to any conditions specified in the authorisation.

46M Offence and civil penalty relating to returns

Offence

- (1) A person commits an offence if:
 - (a) the person returns a space object purportedly in accordance with a return authorisation; and
 - (b) one or more of the following applies:
 - (i) the return is conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property;
 - (ii) the space object is or contains a nuclear weapon or a weapon of mass destruction of any other kind;
 - (iii) the space object contains a nuclear power source and the Minister's written approval for this has not first been obtained;
 - (iv) the insurance/financial requirements in Division 7 are not satisfied for the return.

Penalty:

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

Civil penalty

- (2) A person must not return a space object purportedly in accordance with a return authorisation, in circumstances where one or more of the following applies:

- (a) the return is conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property;
- (b) the space object is or contains a nuclear weapon or a weapon of mass destruction of any other kind;
- (c) the space object contains a nuclear power source and the Minister's written approval for this has not first been obtained;
- (d) the insurance/financial requirements in Division 7 are not satisfied for the return.

Civil penalty: 1,000 penalty units.

46N Breaching a return authorisation condition

The holder of a return authorisation must not contravene a condition of the authorisation.

Civil penalty: 1,000 penalty units.

46P Varying or revoking a return authorisation

- (1) The Minister may, in writing, vary or revoke a return authorisation held by a person.

Note: See section 46R for the procedure for varying or revoking a return authorisation.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

46Q Applying for the giving or variation of a return authorisation

An application for the giving or variation of a return authorisation must be made in accordance with the rules.

46R Procedure etc.

- (1) If the Minister considers that there may be grounds to vary or revoke a return authorisation (other than at the authorisation holder's request), the Minister must:

- (a) give the holder of the authorisation written notice of the Minister's opinion specifying the reasons for that opinion; and
 - (b) invite the holder to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary or revoke the authorisation, the Minister must consider the matters raised in any submission received within the period specified in the notice.

46S Suspending a return authorisation

- (1) The Minister may, in writing, suspend a return authorisation if:
- (a) the holder of the authorisation contravenes a condition of the authorisation; or
 - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the authorisation should be suspended; or
 - (c) an incident involving a space object covered by the authorisation occurs during the liability period for the return of the object.
- (2) The Minister must give notice of the suspension to the holder of the authorisation. The notice must specify the day the suspension takes effect.
- (3) A return authorisation has no effect while suspended.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the authorisation. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke a return authorisation even while it is suspended.

46T Basis on which return authorisation is given

A return authorisation is given on the basis that:

- (a) the authorisation may be revoked under section 46P; and
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- (b) the authorisation may be varied under section 46P; and
- (c) the authorisation may be suspended under section 46S; and
- (d) the authorisation may be revoked, varied or suspended by or under later legislation; and
- (e) no compensation is payable if the authorisation is revoked, varied or suspended as mentioned in any of the above paragraphs.

Division 6A—Authorisation certificates

46U Authorisation certificates

- (1) The Minister may issue to any person an authorisation certificate covering specified conduct that might otherwise be prohibited by section 11, 12, 13, 14, 15 or 15A.

Note: Under subsection 33(3A) of the *Acts Interpretation Act 1901*, conduct may be specified by reference to a particular class or classes of conduct.

- (2) The rules may set out matters to which the Minister must have regard in deciding whether to issue an authorisation certificate.

Example: The rules might set out criteria such as whether a launch would be in the national interest or would confer a significant national benefit, whether there is a risk that a launch might cause substantial harm to public health or public safety or damage to property or whether there is a risk that a launch might expose the Commonwealth to liability for damage caused.

- (3) Subsection (2) does not limit the matters to which the Minister may have regard.
- (4) Within 7 sitting days of issuing an authorisation certificate, the Minister must cause a copy of the certificate to be tabled in each House of the Parliament.

46V Terms of authorisation certificate

- (1) An authorisation certificate:
 - (a) comes into force on a specified day or when a specified event happens; and
 - (b) remains in force for a specified period (which may be a period that ends on the occurrence of a specified event).

- (2) For the purposes of subsection (1), the rules may set out how to determine when events of a particular kind occur.
- (3) At any time when an authorisation certificate is in force, the Minister may, by written notice, extend or further extend the period for which the certificate remains in force.
- (4) An authorisation certificate is issued subject to any conditions specified in the certificate.

46W Breaching an authorisation certificate condition

The holder of an authorisation certificate must not contravene a condition of the certificate.

Civil penalty: 1,000 penalty units.

46X Varying or revoking an authorisation certificate

- (1) The Minister may, in writing, vary or revoke an authorisation certificate held by a person.
- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

46Y Basis on which authorisation certificate is issued

An authorisation certificate is issued on the basis that:

- (a) the certificate may be revoked under section 46X; and
- (b) the certificate may be varied under section 46X; and
- (c) the certificate may be revoked or varied by or under later legislation; and
- (d) no compensation is payable if the certificate is revoked or varied as mentioned in any of the above paragraphs.

64 Subsection 47(1)

Omit “and 5”, substitute “, 5 and 6”.

65 Subsection 47(2)

Omit “a launch permit, overseas launch certificate or section 43 authorisation”, substitute “an Australian launch permit, Australian high power rocket permit, overseas payload permit or return authorisation”.

66 Paragraph 47(2)(b)

Omit “regulations”, substitute “rules”.

67 Paragraph 47(2)(b)

Omit “subsection 48(3)”, substitute “subsection 48(4)”.

68 Before subsection 48(1)

Insert:

Australian launch permit, or return authorisation for return to Australia

69 Paragraphs 48(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a launch or return authorised by an Australian launch permit;
or
- (b) a return authorised by a return authorisation, where the return of the space object is to a place or area in Australia;

70 Paragraphs 48(1)(c) and (d)

Omit “subsection (3)”, substitute “subsection (4)”.

71 Subsections 48(2) and (3)

Repeal the subsections, substitute:

Overseas payload permit, or return authorisation for return outside Australia

- (2) The insurance requirements are satisfied for:
 - (a) a launch authorised by an overseas payload permit; or
 - (b) a return authorised by a return authorisation, where the return of the space object is to a place or area outside Australia;if the Commonwealth is insured (to the extent required by subsection (4)) against any liability of the Commonwealth, under

the Liability Convention or otherwise under international law, to pay compensation for any damage to third parties that the launch or return causes.

Note: The Commonwealth is under no duty to take out any insurance cover under this subsection—the onus is on the holder of the permit or authorisation to ensure that the insurance/financial requirements are satisfied.

Australian high power rocket permit

- (3) The insurance requirements are satisfied for a launch authorised by an Australian high power rocket permit if the holder of the permit is insured (to the extent required by subsection (4)) against any liability that the holder might incur under this Act to pay compensation for any damage to third parties that the launch causes.

Minimum amount of insurance

- (4) The total insurance, for each launch or return concerned, must be for an amount at least equal to the lesser of the following amounts:
- (a) the amount specified in the rules for the purposes of this paragraph (which must not exceed \$100 million);
 - (b) if the rules set out a method of determining an amount for the purposes of this paragraph—the amount determined using that method.

72 Sections 50 and 51

Repeal the sections, substitute:

50 Launch Safety Officer

- (1) The Minister must, by writing, appoint a Launch Safety Officer for the following:
- (a) a launch of a space object covered by an Australian launch permit;
 - (b) a return to a place or area in Australia of a space object covered by an Australian launch permit or a return authorisation.
- (2) The same person may be the Launch Safety Officer for more than one launch or return.

- (3) The Minister may, by writing, revoke the appointment.

51 Functions of Launch Safety Officer

The functions of the Launch Safety Officer for a launch or return of a space object are:

- (a) to ensure that notice is given, in accordance with the rules, of the launch or return; and
- (b) to ensure that:
 - (i) for a launch—no person or property is endangered by the launch, until the space object is safely in Earth orbit or beyond; or
 - (ii) for a return—no person or property is endangered by the return; and
- (c) to monitor the compliance by the person holding the Australian launch permit, or return authorisation, with this Act and with the conditions of the permit or authorisation.

73 Subsection 52(1)

Omit “a licensed launch facility”, substitute “a launch or return of a space object”.

74 Subsection 52(2)

Omit “for a licensed launch facility”.

75 Paragraph 52(2)(a)

Repeal the paragraph, substitute:

- (a) in relation to the launch of a space object from a launch facility in Australia—with the consent of the holder of the Australian launch permit, or of any person authorised by the holder to give that consent:
 - (i) enter and inspect the facility and the space object if it is at the facility; and
 - (ii) inspect and test any other equipment at the facility; and
- (aa) in relation to the launch of a space object from an aircraft where the aircraft is in Australia—with the consent of the holder of the Australian launch permit, or of any person authorised by the holder to give that consent, enter and

inspect the aircraft and the space object if it is in or on the aircraft; and

76 Paragraph 52(2)(b)

After “ask the holder”, insert “of the Australian launch permit or return authorisation”.

77 Paragraphs 52(2)(c) and (d)

Repeal the paragraphs, substitute:

- (c) give any written directions about the launch of the space object carried out, or proposed to be carried out, that the Launch Safety Officer considers necessary to avoid any danger to persons or property, including directions to stop the launch or destroy the space object (whether before or after it is launched); and
- (d) give any written directions about the return of the space object that the Launch Safety Officer considers necessary to avoid any danger to persons or property, including directions to stop the return or destroy the space object.

78 Subsection 52(3)

Repeal the subsection, substitute:

- (3) A direction under paragraph (2)(c) or (d) may include a requirement relating to written notice to be given to the Launch Safety Officer of the action taken in response to the direction.

79 Subsection 52(4)

Omit “for a licensed launch facility is not entitled to exercise any powers under this section at or on the facility”, substitute “is not entitled to exercise any powers under this section at or on a launch facility or in or on an aircraft”.

80 Paragraph 52(4)(a)

Omit “space licence”, substitute “Australian launch permit”.

81 Subsection 52(5)

Omit “space licence or launch permit”, substitute “launch facility licence, Australian launch permit or return authorisation”.

82 At the end of section 52

Add:

- (6) The Launch Safety Officer must give the Minister a copy of a direction the Launch Safety Officer gives under paragraph (2)(c) or (d). The Launch Safety Officer must do so within 10 business days after giving the direction.

83 Sections 53 and 54

Repeal the sections, substitute:

53 Offence for contravening direction

A person commits an offence if:

- (a) the person is given a direction under paragraph 52(2)(c) or (d); and
- (b) the person does an act or omits to do an act; and
- (c) the act or omission contravenes the direction.

Penalty: 100 penalty units.

84 Subsection 55(1)

Omit “for a licensed launch facility”.

85 Subsection 55(2)

Omit “licensed launch facilities”, substitute “launches or returns”.

86 Subsection 56(1)

Omit “licensed launch facility”, substitute “launch facility or in or on an aircraft”.

87 Subsection 56(1)

Omit “for the facility”.

88 Paragraph 56(1)(a)

After “facility”, insert “or is in or on the aircraft”.

89 Subparagraph 56(1)(b)(i)

After “search the facility”, insert “or aircraft”.

90 Subparagraph 56(1)(b)(i)

After “at or on the facility”, insert “or in or on the aircraft”.

91 Section 57

Omit “for a licensed launch facility”.

92 Section 57

Omit “for the facility”.

93 Subsections 58(1) and (3)

Omit “a licensed launch facility”, substitute “a launch or return of a space object”.

94 Section 59

Repeal the section, substitute:

59 Fees

Applicants

(1) A person making one of the following applications must pay the Commonwealth the relevant fee prescribed by the rules for the purposes of this section:

- (a) an application for a launch facility licence or for a transfer or variation of such a licence;
- (b) an application for an Australian launch permit or for a transfer or variation of such a permit;
- (c) an application for an Australian high power rocket permit or for a transfer or variation of such a permit;
- (d) an application for an overseas payload permit or for a transfer or variation of such a permit;
- (e) an application for a return authorisation or for a variation of such an authorisation;
- (f) an application for an authorisation certificate.

The rules may prescribe different fees for different applications.

Setting fee

- (2) The rules may set a fee by specifying the amount of the fee or a way of working out the fee.

Fee must not amount to taxation

- (3) A fee must not be such as to amount to taxation.

Time for payment of fee

- (4) The rules may specify the time for payment of a fee.

Fee instalments

- (5) For an application for a launch facility licence, the rules may provide for the payment of a fee by instalments at times worked out in accordance with the rules.

Waiver of fee

- (6) The rules may prescribe the circumstances in which the Minister may wholly or partly waive a fee that would otherwise be payable under this section.

Unpaid fee

- (7) If any amount of a fee remains unpaid after it becomes due for payment, no decision is to be made on the application concerned until that amount has been paid.
- (8) If any amount of a fee remains unpaid after it becomes due for payment, that amount is a debt due to the Commonwealth and may be recovered by the Minister, on behalf of the Commonwealth, by action in the Federal Court or Federal Circuit Court.

95 Paragraph 60(a)

Omit “space licence”, substitute “launch facility licence”.

96 Paragraph 60(b)

Omit “a launch permit”, substitute “an Australian launch permit”.

97 After paragraph 60(b)

Insert:

(ba) an applicant for, or the holder of, an Australian high power rocket permit; or

98 Paragraph 60(c)

Omit “overseas launch certificate”, substitute “overseas payload permit”.

99 Paragraph 60(d)

Omit “an authorisation under section 43”, substitute “a return authorisation”.

100 Section 60

Omit “, certificate”.

101 Paragraphs 61(a) and (b)

Omit “space licence”, substitute “launch facility licence”.

102 Paragraphs 61(c), (d) and (e)

Omit “a launch permit or overseas launch certificate”, substitute “an Australian launch permit, Australian high power rocket permit or overseas payload permit”.

103 Paragraphs 61(f) and (g)

Omit “an authorisation under section 43”, substitute “a return authorisation”.

104 Paragraphs 61(h), (i) and (ia)

Omit “exemption certificate”, substitute “authorisation certificate”.

105 Paragraph 61(j)

Omit “space licence, launch permit, overseas launch certificate, authorisation under section 43 or exemption certificate; or”, substitute “launch facility licence, Australian launch permit, Australian high power rocket permit, overseas payload permit, return authorisation or authorisation certificate.”.

106 Paragraphs 61(k) and (l)

Repeal the paragraphs.

107 Section 62

Repeal the section, substitute:

62 Notice of decisions

- (1) If the Minister grants, varies, revokes, suspends or transfers any of the following, the Minister may cause to be published on the Department's website a notice setting out such information as the Minister considers appropriate:
 - (a) a launch facility licence;
 - (b) an Australian launch permit;
 - (c) an Australian high power rocket permit;
 - (d) an overseas payload permit;
 - (e) a return authorisation;
 - (f) an authorisation certificate.
- (2) If the grant, variation, revocation, suspension or transfer is in relation to an individual, the notice may include the name of the individual, but must not include any other personal information (within the meaning of the *Privacy Act 1988*) about the individual.

108 Before Division 1 of Part 4

Insert:

Division 1A—Simplified outline of this Part**62A Simplified outline of this Part**

- | |
|---|
| <ul style="list-style-type: none">• The responsible party for the launch or return of a space object is liable to pay compensation for any damage the object causes to a third party. |
|---|

109 Subparagraph 63(1)(a)(i)

After "Australia", insert ", from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory".

110 Paragraph 63(2)(a)

After “place”, insert “or area”.

111 Subparagraph 63(2A)(a)(i)

After “Australia”, insert “, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory”.

112 Paragraph 63(2A)(b)

After “place”, insert “or area”.

113 Paragraph 63(3)(d)

Omit “exemption certificate”, substitute “authorisation certificate”.

114 Subsection 64(2) (note)

Omit “However, see also section 65 (which allows the regulations to make provision in relation to the waiver of such rights).”.

115 Section 65

Repeal the section.

116 Paragraph 66(a)

Omit “located within Australia”, substitute “in Australia, from an Australian aircraft in flight or from a foreign aircraft in the airspace over Australian territory”.

117 Paragraph 69(1)(a)

Omit “a launch permit”, substitute “an Australian launch permit”.

118 Paragraph 69(1)(b)

Omit “the relevant space licence”, substitute “any relevant launch facility licence”.

119 Paragraph 69(2)(a)

Omit “an overseas launch certificate”, substitute “an overseas payload permit”.

120 Paragraph 69(2)(b)

Omit “certificate”, substitute “permit”.

121 Subsection 69(3)

Omit “launch permit or overseas launch certificate”, substitute “Australian launch permit or overseas payload permit”.

122 Paragraphs 69(4)(a) and (b)

Omit “launch permit or overseas launch certificate”, substitute “Australian launch permit or overseas payload permit”.

123 Paragraph 70(a)

Omit “located within Australia”, substitute “in Australia, from an Australian aircraft in flight or from a foreign aircraft in the airspace over Australian territory”.

124 Section 72 (heading)

Repeal the heading, substitute:

72 Federal Court and Federal Circuit Court have jurisdiction

125 Section 72

Omit “has”, substitute “and Federal Circuit Court have”.

126 Paragraph 73(2)(a)

Omit “a launch permit, overseas launch certificate, section 43 authorisation or exemption certificate”, substitute “an Australian launch permit, overseas payload permit, return authorisation or authorisation certificate”.

127 Paragraph 74(2)(b)

Omit “a launch permit or overseas launch certificate”, substitute “an Australian launch permit or overseas payload permit”.

128 Paragraph 74(2)(b)

Omit “or certificate”.

129 After Part 4

Insert:

Part 4A—Liability for damage by high power rockets

Division 1—Simplified outline of this Part

75A Simplified outline of this Part

- The launch party for the launch of a high power rocket is liable to pay compensation for any damage the rocket causes to a third party on Earth or in the air.

Division 2—Scope of Part

75B Damage covered

- (1) This Part applies to damage a high power rocket causes if:
 - (a) the object is launched from a facility (whether fixed or mobile), or place, in Australia; and
 - (b) the damage is caused during the liability period for the launch.
- (2) This Part applies to damage mentioned in subsection (1):
 - (a) whether the damage happens on Earth or in the air; and
 - (b) whether the damage happens in Australia or outside it; and
 - (c) whether or not the launch was authorised under this Act; and
 - (d) whether or not the launch was covered by an authorisation certificate.

75C Compensation for third party damage by high power rockets to be determined solely under this Part

Compensation for damage to which this Part applies caused to third parties is only payable in accordance with this Part.

Note: This section does not affect the rights of persons who are not third parties (for example, employees of a launch party) from seeking compensation outside of this Act for damage to which this Part applies.

Division 3—Liability for third party damage

75D Damage on Earth or in the air

- (1) The launch party for the launch of a high power rocket is liable to pay compensation for any damage the rocket causes to a third party on Earth or in the air.
- (2) However, the launch party is not liable to the extent that the launch party establishes that the damage resulted from:
 - (a) the negligence of the third party; or
 - (b) any conduct (whether by act or omission) that the third party engaged in with intent to cause the damage.

75E Limit on amount of permit holder's liability

- (1) This section applies if:
 - (a) the launch of a high power rocket that causes damage to which this Part applies was authorised by an Australian high power rocket permit; and
 - (b) the damage did not result from a breach of any of the conditions of the permit, from any conduct (whether by act or omission) that the launch party or a related party engaged in with intent to cause the damage or from the negligence of the launch party or a related party.
- (2) The launch party is not liable to pay compensation for the damage to the extent that the amount of the compensation would exceed the insured amount for the Australian high power rocket permit.
- (3) If:
 - (a) the launch party has paid compensation for the damage of an amount equal to the insured amount for the Australian high power rocket permit; and
 - (b) apart from this section, the launch party would be liable to pay further compensation to Australian nationals for the damage of an amount (the **excess amount**) in excess of the insured amount for the Australian high power rocket permit;then the Commonwealth is liable to pay compensation to the Australian nationals for the damage of an amount equal to so much of the excess amount as does not exceed \$3 billion.

- (4) The Consolidated Revenue Fund is appropriated for the purposes of payments by the Commonwealth under subsection (3).

Division 4—Procedure etc.

75F Federal Court and Federal Circuit Court have jurisdiction

The Federal Court and the Federal Circuit Court have jurisdiction to hear and determine actions for compensation for damage to which this Part applies.

75G Action for compensation

An action for compensation for damage to which this Part applies may only be brought:

- (a) within 1 year after the day on which the damage occurred; or
- (b) if, when the damage occurred, the person bringing the action did not know that it had occurred—within 1 year after the day on which the person:
 - (i) became aware of the damage; or
 - (ii) would have become aware of the damage, if the person had exercised due diligence.

130 Part 5 (heading)

Repeal the heading, substitute:

Part 5—Register of Space Objects

131 Before section 76

Insert:

75H Simplified outline of this Part

- A Register of Space Objects must be publicly available on the Department’s website. The register includes details for certain space objects launched under an Australian launch permit, overseas payload permit or authorisation certificate.

132 Subsection 76(2)

Omit “an authorisation provided under this Act”, substitute “an Australian launch permit, overseas payload permit or authorisation certificate”.

133 Paragraph 76(2)(g)

Omit “prescribed particulars”, substitute “particulars prescribed by the rules for the purposes of this paragraph”.

134 At the end of section 76

Add:

- (5) The Minister must cause the Register to be made publicly available on the Department’s website.

135 Subsection 77(1)

Omit “a launch permit authorising the launch of a space object from a launch facility”, substitute “an Australian launch permit, overseas payload permit or authorisation certificate authorising the launch of a space object”.

136 Sections 78 and 79

Repeal the sections.

137 Part 5A

Repeal the Part.

138 Part 6

Repeal the Part, substitute:

Part 6—Civil penalties

80 Simplified outline of this Part

- | |
|--|
| <ul style="list-style-type: none">• A civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act. A relevant court may |
|--|

order a person contravening a civil penalty provision to pay to the Commonwealth a pecuniary penalty.

81 Civil penalty provisions

Enforceable civil penalty provisions

- (1) Each civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicant

- (2) For the purposes of Part 4 of the Regulatory Powers Act, the Minister is an authorised applicant in relation to the civil penalty provisions of this Act.

Relevant court

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:

- (a) the Federal Court;
- (b) the Federal Circuit Court.

Extension to external Territories

- (4) Part 4 of the Regulatory Powers Act, as that Part applies in relation to the civil penalty provisions of this Act, extends to every external Territory.

139 Before Division 1 of Part 7

Insert:

Division 1A—Simplified outline of this Part

83 Simplified outline of this Part

- Investigators can investigate accidents or incidents involving:

- (a) a space object launched from a launch facility in Australia or from an aircraft that is in the airspace over Australian territory; or
 - (b) a space object returned to a place or area in Australia; or
 - (c) a high power rocket launched from a facility or place in Australia.
- The Minister appoints the investigators.

140 Section 84

Before “This Part”, insert “(1)”.

141 Paragraph 84(a)

Omit “located in Australia”, substitute “in Australia or from an aircraft that is in the airspace over Australian territory”.

142 Paragraph 84(b)

After “place”, insert “or area”.

143 At the end of section 84

Add:

- (2) This Part also applies if an accident (see section 85) or an incident (see section 86) involving a high power rocket occurs during the liability period for the launch of the rocket from a facility (whether fixed or mobile), or place, in Australia.

144 Section 85

After “a space object”, insert “or high power rocket”.

145 Paragraphs 85(a) and (b)

After “space object”, insert “or high power rocket”.

146 Paragraph 85(b)

After “damage to”, insert “other”.

147 Paragraph 85(b)

Omit “regulations”, substitute “rules”.

148 Section 86

After “a space object”, insert “or high power rocket”.

149 Section 86

After “the space object”, insert “or high power rocket”.

150 Before subsection 88(1)

Insert:

Accident involving space object

151 Subsection 88(1)

After “an accident”, insert “involving a space object”.

152 After subsection 88(1)

Insert:

Accident involving high power rocket

- (1A) If an accident involving a high power rocket occurs in circumstances where:
- (a) a person dies or suffers serious injury as a result of the operation of the rocket; or
 - (b) the rocket causes damage to other property;
- the Minister must appoint a person as the Investigator of the accident.
- (1B) If an accident involving a high power rocket occurs in circumstances where:
- (a) the rocket is destroyed or seriously damaged; and
 - (b) subsection (1A) does not apply;
- the Minister may appoint a person as the Investigator of the accident.

153 Before subsection 88(2)

Insert:

Incident involving space object or high power rocket

154 Before subsection 88(3)

Insert:

Appointee to have suitable qualifications and experience

155 Subsection 90(2)

Omit “regulations”, substitute “rules”.

156 Paragraph 91(1)(b)

After “a space object”, insert “or high power rocket”.

157 Subsection 91(7)

Omit “regulations”, substitute “rules”.

158 Subsection 92(1)

Repeal the subsection, substitute:

- (1) A person commits an offence if:
 - (a) the person fails to attend before the Investigator in accordance with a requirement under subsection 91(1); or
 - (b) the person refuses to take an oath or make an affirmation in accordance with a requirement under subsection 91(3); or
 - (c) the person refuses or fails to answer a question in accordance with a requirement under subsection 91(1); or
 - (d) the person fails to give the Investigator a thing in accordance with a requirement under subsection 91(1) and it would have been reasonably practicable for the person to have done so.

Penalty: 30 penalty units.

159 Subsections 92(3) and (4)

Repeal the subsections, substitute:

- (3) A person commits an offence if:
 - (a) a requirement is made of the person under subsection 91(1); and
 - (b) the person gives information to the Investigator in answering a question lawfully put to the person by the Investigator; and

- (c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

- (4) A person commits an offence if:
 - (a) a requirement is made of the person under subsection 91(1); and
 - (b) the person gives a document or record to the Investigator in accordance with the requirement; and
 - (c) the person does so knowing that the document or record is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

160 Section 94 (heading)

Repeal the heading, substitute:

94 Custody of space object or high power rocket

161 Subsection 94(1)

After “an accident”, insert “involving a space object”.

162 After subsection 94(1)

Insert:

- (1A) If an accident involving a high power rocket occurs in circumstances where:
 - (a) a person dies or suffers serious injury as a result of the operation of the rocket; or
 - (b) the rocket causes damage to other property;the rocket or the rocket wreckage concerned and any thing in the rocket or wreckage is taken to be in the Minister’s custody until an Investigator is appointed for the accident. The things are then taken to be in the Investigator’s custody.

163 Subsection 94(2)

Omit “any such”, substitute “a”.

164 Subsection 94(3)

Repeal the subsection, substitute:

- (3) A person commits an offence if:
- (a) the person removes or otherwise interferes with a thing that is in the custody of the Minister or Investigator under subsection (1) or (1A); and
 - (b) the person removes or otherwise interferes with the thing without:
 - (i) if the thing is in the custody of the Minister—the Minister’s permission; or
 - (ii) if the thing is in the custody of the Investigator—the Investigator’s permission.

Penalty: Imprisonment for 6 months.

165 Paragraphs 94(4)(a) and (d)

After “space object”, insert “or high power rocket”.

166 Paragraph 94(4)(d)

After “the object”, insert “or rocket”.

167 At the end of subsection 94(4)

Add:

Note: A defendant bears an evidential burden in relation to the matter in this subsection: see subsection 13.3(3) of the *Criminal Code*.

168 Section 95 (heading)

Repeal the heading, substitute:

95 Suspension of permit, authorisation or certificate after accident**169 Subsection 95(1)**

Omit “launch permit, exemption certificate or section 43 authorisation”, substitute “Australian launch permit, Australian high power rocket permit, return authorisation or authorisation certificate”.

170 Subsections 95(2) and (3)

Omit “permit, certificate or authorisation”, substitute “permit, authorisation or certificate”.

171 Subsection 96(9) (paragraph (b) of the definition of *safety record*)

After “space object”, insert “or high power rocket”.

172 Section 98

Omit “this Division”, substitute “this Act”.

173 Section 98 (paragraphs (b) and (c) of the definition of *accident site*)

After “space object”, insert “or high power rocket”.

174 Paragraph 99(1)(e)

After “site”, insert “, the space object, the high power rocket or any other thing on or in the site”.

175 Paragraph 99(1)(f)

Repeal the paragraph, substitute:

- (f) make any still or moving image or any recording of the accident site, the space object, the high power rocket or any other thing on or in the site;

176 Paragraph 99(1)(k)

After “space object” (wherever occurring), insert “or high power rocket”.

177 Paragraph 99(1)(k)

Omit “take photographs or video recordings”, substitute “make any still or moving image or any recording of the thing”.

178 Subsections 101(4) and (5)

Repeal the subsections, substitute:

Offence

- (4) A person commits an offence if:
-

- (a) the person has been issued with an identity card under this section; and
- (b) the person ceases to be an Investigator; and
- (c) the person does not, as soon as practicable after so ceasing, return the identity card to the Minister.

Penalty: 1 penalty unit.

- (5) Subsection (4) does not apply if the identity card was lost or destroyed.

Note: A defendant bears an evidential burden in relation to the matter in this subsection: see subsection 13.3(3) of the *Criminal Code*.

179 Section 103

Repeal the section, substitute:

103 Offence to enter or remain on accident site without permission

A person commits an offence if:

- (a) an accident site has been secured under subsection 99(1); and
- (b) the person enters or remains on the site without the Investigator's permission.

Penalty: 10 penalty units.

180 Before section 104

Insert:

103A Simplified outline of this Part

- | |
|--|
| <ul style="list-style-type: none">• This Part deals with miscellaneous matters, such as delegation, operation of other laws, immunity and rules. |
|--|

181 Section 104

After “this Act”, insert “(except the power under subsection 110(1))”.

182 Subsection 107(2)

After “Federal Court”, insert “or the Federal Circuit Court”.

183 After paragraph 108(2)(aa)

Insert:

- (ab) giving effect to the Chicago Convention; and

184 At the end of subsection 108(3)

Add:

- ; and (c) the operation of Part 4A were expressly confined to cases in which the launch party, for the launch of a high power rocket, is such a corporation.

185 At the end of section 108

Add:

- (7) This Act also has the effect that it would have if its operation were expressly confined to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

186 Section 109

Repeal the section.

187 Section 110

Repeal the section, substitute:

110 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;

-
- (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) Despite subsection 14(2) of the *Legislation Act 2003*, the rules may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

188 Schedules 1 to 6

Repeal the Schedules.

189 Transitional provisions—existing approvals*Space licence*

- (1) A space licence in force under the *Space Activities Act 1998* immediately before the commencement of this item covering a particular launch facility has effect on and after that commencement as if it were a launch facility licence in force under the *Space (Launches and Returns) Act 2018* covering that launch facility.

Launch permit

- (2) If:
- (a) a launch permit is in force under the *Space Activities Act 1998* immediately before the commencement of this item; and
 - (b) immediately before that commencement, one or more launches covered by the permit have not occurred;
- the launch permit has effect on and after that commencement as if it were an Australian launch permit in force under the *Space (Launches and Returns) Act 2018* covering those launches.

Overseas launch certificate

- (3) If:
- (a) an overseas launch certificate is in force under the *Space Activities Act 1998* immediately before the commencement of this item; and

(b) immediately before that commencement, one or more launches covered by the certificate have not occurred; the overseas launch certificate has effect on and after that commencement as if it were an overseas payload permit in force under the *Space (Launches and Returns) Act 2018* covering those launches.

Return authorisation

- (4) If:
- (a) an authorisation under section 43 of the *Space Activities Act 1998* is in force immediately before the commencement of this item; and
 - (b) immediately before that commencement, one or more returns covered by the authorisation have not occurred;
- then the *Space Activities Act 1998*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that authorisation.

Exemption certificate

- (5) If:
- (a) an exemption certificate is in force under the *Space Activities Act 1998* immediately before the commencement of this item in relation to section 11 of that Act; and
 - (b) immediately before that commencement, the launch concerned had not occurred;
- the exemption certificate has effect on and after that commencement as if it were an authorisation certificate in force under the *Space (Launches and Returns) Act 2018* in relation to section 12 of that Act and to that launch.
- (6) If:
- (a) an exemption certificate is in force under the *Space Activities Act 1998* immediately before the commencement of this item in relation to section 13 of that Act; and
 - (b) immediately before that commencement, the return concerned had not occurred;

the exemption certificate has effect on and after that commencement as if it were an authorisation certificate in force under the *Space (Launches and Returns) Act 2018* in relation to section 15 of that Act and to that return.

- (7) An exemption certificate in force under the *Space Activities Act 1998* immediately before the commencement of this item in relation to section 15 of that Act and to a particular launch facility has effect on and after that commencement as if it were an authorisation certificate in force under the *Space (Launches and Returns) Act 2018* in relation to section 11 of that Act and to that launch facility.

Limit on application of new sections

- (8) Sections 27, 37, 46K and 46Y of the *Space (Launches and Returns) Act 2018* do not apply to a launch facility licence, an Australian launch permit, an overseas payload permit or an authorisation certificate covered by subitem (1), (2), (3), (5), (6) or (7).

190 Transitional provisions—pending applications

Space licence

- (1) An application for a space licence that was made before the commencement of this item but not decided immediately before that commencement has effect on and after that commencement as if it were an application for a launch facility licence.

Launch permit

- (2) An application for a launch permit that was made before the commencement of this item but not decided immediately before that commencement has effect on and after that commencement as if it were an application for an Australian launch permit.

Overseas launch certificate

- (3) An application for an overseas launch certificate that was made before the commencement of this item but not decided immediately before that commencement has effect on and after that commencement as if it were an application for an overseas payload permit.

Return authorisation

- (4) If:
- (a) an application for an authorisation under section 43 of the *Space Activities Act 1998* was made before the commencement of this item; and
 - (b) immediately before that commencement, the application had not been decided;
- then the *Space Activities Act 1998*, as in force immediately before that commencement, continues to apply on and after that commencement in relation to that application and to any authorisation given as a result of that application.

191 Transitional provisions—other matters

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.
- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Schedule.
- (3) This Schedule (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).

Schedule 2—Consequential amendments

Customs Tariff Act 1995

1 Schedule 4 (table item 41)

Omit “*Space Activities Act 1998*”, substitute “*Space (Launches and Returns) Act 2018*”.

[*Minister’s second reading speech made in—
House of Representatives on 30 May 2018
Senate on 21 August 2018*]

(170/18)

No. 92, 2018

Space Activities Amendment (Launches and Returns) Act 2018

71